

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 9/13/2016	(3) CONTACT/PHONE Airlin M. Singewald, Senior Planner / (805) 781-5198	
(4) SUBJECT Hearing to consider an appeal by Roland Soucie of the Planning Commission's approval of a request by Pacific Cambria Inc. for a Development Plan / Coastal Development Permit (DRC2015-00096) to allow temporary events, the Cambria Christmas Market, at the Cambria Pines Lodge and Cambria Nursery on Burton Drive in Cambria, and to waive the requirement for temporary events to be setback at least 1,000 feet from a residential area. The project is exempt from CEQA. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution denying the appeal and affirming the Planning Commission's approval of the project.			
(6) FUNDING SOURCE(S) Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>60 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: <u> </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Airlin M. Singewald, Senior Planner

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

DATE: 9/13/2016

SUBJECT: Hearing to consider an appeal by Roland Soucie of the Planning Commission's approval of a request by Pacific Cambria Inc. for a Development Plan / Coastal Development Permit (DRC2015-00096) to allow temporary events, the Cambria Christmas Market, at the Cambria Pines Lodge and Cambria Nursery on Burton Drive in Cambria, and to waive the requirement for temporary events to be setback at least 1,000 feet from a residential area. The project is exempt from CEQA. District 2.

RECOMMENDATION

It is recommended that the Board adopt the resolution denying the appeal and affirming the Planning Commission's approval of the project.

DISCUSSION

Background

On August 11, 2016, the Planning Commission heard and approved a request by Pacific Cambria, Inc. for a Development Plan / Coastal Development Permit to allow the Cambria Christmas Market to take place at the Cambria Pines Lodge (the Lodge) and the neighboring Cambria Nursery each holiday season for the next five years (2016 through 2020). The approval included a waiver of Coastal Zone Land Use Ordinance Section 23.08.248.c, which requires temporary events to be setback at least 1,000 feet from any parcel in the Residential Single Family land use category.

The market has operated since 2012 with annual approvals from the County and Coastal Commission. After the last (2015) market, the landowner applied to the County for a multi-year temporary events permit.

Key elements of the project include:

- The market would be open Wednesday through Sunday (and all of Christmas week) from 5 pm to 9 pm each evening for a maximum of four weeks beginning the last Friday in November.
- The market would include temporary lighting, seasonal displays, and concession stands. Temporary lighting would be turned off every night at 9 pm when the market closes.
- Twenty-six temporary booths would be constructed for the event, and would be dismantled and removed at the conclusion of the event.
- Visitors would be directed to park in one of six identified offsite parking lots and shuttled to and from the Lodge. The shuttle buses would be restricted to collector and arterial roads and would avoid local residential streets.
- No permanent development is proposed or authorized under this permit. The applicant is in the process of obtaining approval from the Coastal Commission for various site improvements that would likely be used during events. The Coastal Commission approved the 2003 Coastal Development Permit (on appeal) to expand the

Lodge and therefore has jurisdiction over future modifications of Lodge facilities.

- The market would not use community water. Portable restroom facilities, including hand washing sinks, would be provided and drinking water would be store-bought and imported to the site for use during the market.
- The project includes a pedestrian and traffic safety plan, offsite parking and shuttle plan, and lighting plan, all of which were prepared in consultation with County and Coastal Commission staff.

Refer to the attached Planning Commission staff report for more details on the project history and the various elements of the project.

In past years, the market has attracted as many as 5,000 guests on the busiest nights. During the Planning Commission hearing, some neighbors testified that this influx of visitors into the surrounding residential neighborhood has resulted in pedestrian and traffic safety concerns. In response to these concerns, the Planning Commission modified Condition #15 to detail the criteria that must be included in the project's traffic control plan. This includes restricting event parking on surrounding residential streets and vacant lots; restricting pedestrian travel on Burton Drive; requiring the applicant to contract with CHP for traffic direction and vehicle code enforcement; limiting the shuttle route to collector and arterial roads; establishing an event coordinator; and notifying emergency responders prior to events. The traffic control plan would also be subject to concurrent review and approval from the Cambria Fire Department, County Sheriff, and CHP.

In addition to bolstering the traffic control plan requirements, the Planning Commission limited maximum daily attendance to 3,000 guests and noted in the conditions that exceedance of this limit could result in permit revocation. To make this more enforceable, the Commission added a condition that requires the applicant to submit annual attendance statistics to the Department of Planning and Building and to any member of the public who requests a copy.

The Commission also had concerns about the length of the permit. Initially, they thought staff's recommended five year permit was too long and wouldn't provide an early enough opportunity to address condition compliance or new issues that might arise. However, they ultimately agreed to a five year permit since non-compliance could be addressed through the permit revocation process.

Appeal

Roland Soucie filed an appeal of the Planning Commission's decision on August 24, 2016. The appeal contends that the required permit findings cannot be made because the neighborhood surrounding the Lodge was not designed to support a large influx of visitors. The appeal cites the lack of street lighting, inadequate off-street parking, and insufficient roadways to conclude the project will significantly impact the community.

The following is a summary of the appeal issues and staff's responses:

Appeal Issue #1: The project is not compatible with the surrounding residential neighborhood; does not satisfy Title 23 of the County Code; is inconsistent with the County General Plan; and will generate a volume of traffic beyond the safety capacity of the roads in the area.

Staff Response: The proposed project would be located at the Cambria Pines Lodge, which has provided visitor-serving accommodations and has hosted related events since 1927 when it was first constructed. The surrounding residential neighborhood has developed around the Lodge and has become accustomed to visitor traffic in the area.

While the proposed project is generally consistent with the historic use and neighborhood expectations of the Lodge, it would result in a substantial influx of visitors into the neighborhood during a short time period. As stated in the appeal, past markets have attracted as many as 48,000 visitors during a four week period.

In terms of traffic and pedestrian safety, peak daily attendance is a better indicator of neighborhood impacts than the overall number of visitors. In 2015, the market saw 587 visitors on the slowest day and 4,164 visitors on the busiest day. The average daily attendance was 2,232 visitors. As conditioned, future markets would be limited to a maximum of 3,000 guests each night. To verify compliance with this condition, the applicant would be required to submit annual attendance reports to the Department of Planning and Building and interested members of the public.

The Department of Public Works has reviewed the project and determined that the existing roadways are adequate to accommodate the anticipated visitor traffic resulting from the project. Most vehicles would arrive on Highway 1 and access the site from Burton Drive. This segment of Burton Drive is currently operating at an acceptable Level of Service. The project would not add new peak hour (3 PM for this roadway segment) trips since the event would start at 5 pm.

The Lodge has 355 onsite parking spaces. During market hours, these spaces would be reserved for resort guests, disabled attendees, resort employees, and market vendors. All other attendees would be required to use the off-site parking program.

Traffic controllers would direct visitors to park in one of six off-site parking lots (562 spaces) where they would be shuttled to and from the Lodge for the event. As conditioned, the shuttle buses would be limited to using collector and arterial roadways (primarily Burton Drive, Main Street, and Highway 1). The applicant is proposing to install a new driveway on Yorkshire Drive, which would allow shuttle buses to turn around on-site and avoid residential streets. This improvement will require Coastal Commission approval as an immaterial amendment to the 2003 Coastal Development Permit for the Lodge expansion. The driveway will have to be installed before the first market is held.

As described above, the Planning Commission modified Condition #15 to detail the criteria that is to be included in the project's traffic control plan. The plan would restrict event parking on Burton Drive and surrounding residential streets. It would also require the applicant to hire the CHP to provide traffic direction at Burton Drive and Eton Road and to enforce vehicle code in the surrounding neighborhood. The plan also requires the applicant to establish an event coordinator, who would respond to all complaints, and to notify all emergency responders (police, fire, ambulance, etc.) prior to each event.

As described in the attached Planning Commission staff report, the project is consistent with the County General Plan and applicable provisions of Title 23. The applicant is seeking a modification to Section 23.08.248(c), which requires temporary events to be setback at least 1,000 feet from any parcel in the Residential Single Family (RSF) land use category.

The nearest market use area to the RSF category would be the parking lot on Patterson Place where the shuttle buses would turn around. This area is located about 100 feet from the RSF category. The main market area (with the 26 temporary booths) would be located about 400 feet from the RSF category. The market entrance would be located about 300 feet from the RSF category.

Staff and the Planning Commission support the requested waiver for the following reasons:

- The proposed market would be held at the Cambria Pines Lodge, which has been in existence since 1927, and is generally consistent with the historical visitor-serving use of the lodge.
- The main market area would be located in the center of the 23-acre parcel and buffered from neighboring homes by the pine forest and existing motel rooms at the lodge. The applicant's pine forest enhancement and restoration plan would further improve the effectiveness of the pine forest buffer.
- The lighting would be located mostly on the eastern portion of the property, which is located further from homes in the RSF category.
- The market would be temporary, operating from 5 p.m. to 9 p.m. for about four weeks out of the year.
- The project includes a pedestrian and traffic safety plan, an off-site parking and shuttle plan, and a lighting plan which will help ensure public safety and minimize impacts on neighboring homes.
- The market has operated since 2012 with fairly minimal neighborhood compatibility impacts. The most significant complaint received has been in regards to bus traffic in the surrounding residential neighborhoods. The project proposes to address this concern by turning the buses around using an onsite parking lot.

Appeal Issue #2: The Planning Commission had no legal basis for granting a five year permit. Future, nonexistent traffic/pedestrian plans are not a rational basis to extend the permit for five years. The past operation of the market has caused disturbances to the residential neighborhood.

Staff Response: In past years, the applicant hasn't been able to sell tickets or finalize agreements with vendors until the last minute because they weren't able to get Coastal Commission approval until shortly before the market was scheduled to open. The five year permit establishes a reasonable time limit on the market, while giving the applicant enough

certainty to invest in the future of the event. The permit could return to the Planning Commission for a revocation hearing if the applicant fails to comply with any of the conditions of approval.

The Department has only received a few complaints about the market since it first opened in 2012. Most of the complaints were from neighbors on Wood Drive who are concerned about bus traffic in front of their homes during the market. As described above, the applicant plans to install a new driveway on Yorkshire Place, which will enable buses to turn around on the Lodge property and avoid residential neighborhoods.

Given the new bus route, increased traffic control requirements (including a CHP presence), and a 3,000 person attendance cap, future markets are expected to have fewer neighborhood impacts compared to past events.

Appeal Issue #3: The Planning Commission's waiver of the 1,000-foot setback requirement relies on "historical visitor-serving uses" of the Cambria Lodge. This is not a legally sufficient basis for the waiver. The historical design and use of the Lodge was never intended to serve and (until 2013) had never historically served 48,000 people for 21 days. The street/sidewalk/lighting infrastructure was never intended to support this degree of use.

Staff Response: As described above, the historical visitor-serving use of the Lodge is one of the facts justifying the waiver. While the proposed project would likely attract more visitors compared to past events at the Lodge, the visitor-serving nature of the Christmas market is consistent with the historical use of the Lodge and its Recreation zoning.

Appeal Issue 4: The Planning Commission's approval of the construction of a new access driveway off Yorkshire Place is a substantial improvement requiring a prior Environmental Review and is not categorically exempt under CEQA.

Staff Response: The Planning Commission's action was for a temporary event, the Cambria Christmas Market. Any permanent development, such as the proposed driveway on Yorkshire Place, requires approval from the California Coastal Commission as an immaterial amendment to the 2003 Coastal Development Permit for the Lodge expansion project.

While not part of the Planning Commission's approval, the driveway on Yorkshire is an important aspect of the project because it will allow buses to turn around onsite and avoid residential streets. The applicant is seeking Coastal Commission approval of the driveway and expects to complete the driveway before the 2016 market.

In addition to Coastal Commission approval, the new driveway will also require an encroachment permit from the Public Works Department. At that time, the Public Works Department would conduct environmental review for the new driveway. The driveway would likely be exempt under CEQA, as it is a relatively minor improvement and would not result in a potentially significant environmental impact.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to Public Works, the Cambria Community Services District (Water/Sewer/Fire), California Coastal Commission, and North Coast Advisory Council. In addition, County Counsel has reviewed and approved the attached resolution with findings and conditions.

FINANCIAL CONSIDERATIONS

This project is in the Coastal Zone and is not subject to an appeal fee. This appeal was processed using Department allocated General Fund support.

RESULTS

Denying the appeal and affirming the decision of the Planning Commission would allow the Cambria Christmas Market to occur at the Cambria Pines Lodge and neighboring Cambria Nursery for a period of five years (2016 through 2020). This action would be consistent with the countywide goals of promoting well-governed and livable communities.

ATTACHMENTS

1. Resolution with Findings and Conditions
2. Roland Soucie Appeal; August 24, 2016
3. Planning Commission Staff Report; August 11, 2016
4. Planning Commission Minutes; August 11, 2016